



District 6 Advisory Board Minutes

Monday, February 13, 2023 • 6:30 p.m.

Evergreen Community Center & Library • 2601 N. Arkansas, Wichita, KS 67204

Virtual Meeting Option • Zoom and [Facebook Live](#)

Order of Business

The District 6 Advisory Board meeting was held at 6:30 p.m. at the Evergreen Community Center and Library, 2601 N. Arkansas, Wichita, KS 67204. DAB members, staff/presenters, and residents also had the option to participate virtually via the platform Zoom, and the meeting was live-streamed on the District 6 Facebook page. Council Member Maggie Ballard, 9 DAB members, 10 City staff, and 10 members of the public were in attendance. The current agenda and previous minutes were approved

Members Present

Sergio Devora-Najera
Scott Lucas
Bill Washburn
Angela Martinez (Zoom)
Zachary R Gingrich-Gaylord
Mark Lee Baker, II
Lisa Tatum
Tom James
Javan Gonzalez

Staff Present

Ana Lopez, Community Services
Representative, City Manager's Office
Officer K. Weidner, WPD
Officer W. Bautista, WPD
Savannah Ball, WPL
Shawn Mellies, PWU
Eryn Ebach, MAPC
3 WFD Staff

Members Absent

Gisela Pena
Shaun Rojas

1. Wichita Fire Department

Staff shared district and city-wide statistics and department updates. Staff also discussed relevant public safety topics and answered questions from the DAB and public.

DAB and members of the public asked questions and made comments about the Staffing for Adequate Fire and Emergency Response (SAFER) grant from the Federal Emergency Management Agency (FEMA) received by Wichita Fire Department.

2. Wichita Police Department

Officers shared district and city-wide statistics and crime trends and department updates. Staff also discussed relevant public safety topics and answered questions from the DAB and public.

Officer Bautista, Patrol West shared updates about Second Change Thursday, new WPD recruits and training received officers to administer nasal Narcan.

Officer Weidner, Patrol North shared updates about the burglaries around the industrial area of 29th and 37th and the complains received of dirt bike and ATV riding on the big ditch.

3. Wichita Public Library Report

Savannah Ball, Education and Engagement Manager shared updates, events and programs at the Evergreen Branch Library and the Advanced Learning Library.

Investigate objects too small for the eye to see with a microscope, a new material recently added to our growing Library of Things collection. Customers can borrow a microscope free with their library card. Each microscope kit includes the monocular microscope with power adapter and bag, eyepieces, slide kit and a book called *The World of the Microscope* by Chris Oxlade. Place your hold today at www.wichitalibrary.org/things.

Mark your calendars for March 4-11. We are thrilled to host the 37th Academy Award Short Film Festival. Each year, we screen the Academy Award nominated short films in the live action, animation and documentary categories. Visit www.wichitalibrary.org/academyawards for more information.

While Library staff can't answer your tax questions, we have many resources to help you find the answers you need this tax season. The IRS provides Library customers with forms 1040 and 1040-SR, schedules 1-3 and 1040 instructions. Residents needing additional federal or state forms can use a public computer at any Library location to print them. Prints are 10 cents per page. Low- to moderate-income households can call the United Way of the Plains at 211 to schedule an appointment for tax preparation assistance.

Read with us this spring! The 15th Big Read Wichita kicks off Saturday, March 12, 2-4 p.m. at the Advanced Learning Library. This year, we're exploring *Can't We Talk About Something More Pleasant?* by Roz Chast. This graphic novel is Chast's memoir on the topic of aging parents. Spanning the last several years of their lives and told through four-color cartoons, family photos and documents, and a narrative as rife with laughs as it is with tears, Chast's memoir is both comfort and comic relief for anyone experiencing life-altering loss of elderly parents. More information can be found at www.bigreadwichita.org.

Action: Received and filed.

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Public Agenda

This portion of the agenda provides an opportunity for citizens to present issues that are not part of the regular agenda for the meeting. There is a three-minute time limit for each speaker.

4. Scheduled Items

There are no scheduled Public Agenda items this month.

5. Off-Agenda Items

There were no unscheduled public agenda items this month.

Action: Received and filed.

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New Business

6. Petition to repave the North-South Alley between Main Street and Water Street, North of 1st Street.

Shawn Mellies, shared information on a project that will repave a portion of an alley that serves a commercial area between Main and Water Streets. The petition includes funding to extend underground storm sewer from 1st Street North.

Recommendation/Actions: It is recommended that the District Advisory Board recommend approval of the Petition.

Staff Report: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-02-13%20DAB%206%20N-S%20Alley%20Main-Water.pdf>

Members of the public did not have any questions or comments

Action Taken: Tom James made a motion to **APPROVE** staff's recommendation. The motion was seconded by Lisa Tatum.

MOTION APPROVED 9-0

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7. District Advisory Board & Metro Area Planning Commission meeting schedules

Staff presentation: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-02-13%20DAB%206%20DAB%20and%20MAPC%20Schedules.pdf>

DAB and members of the public asked questions and made comments about notification requirements, MAPC meeting schedules, protest period for planning cases and the advising role of the DAB.

Action: Received and filed.

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8. CON2022-00053

The Metropolitan Area Planning Department will present this case for consideration by the District Advisory Board. Mid Kansas Real Estate Holdings LLC (Applicant) is requesting a Conditional Use to permit live music and entertainment as accessory to a restaurant defined as "Nightclub in the City" on property zoned LC Limited Commercial District. The property is generally located on the south side of West 13th Street North, within one block east of North West Street (3827 West 13th Street North). The property is developed with a strip retail center containing restaurant and retail uses.

The Metropolitan Area Planning Commission held a public hearing for this item on January 19, 2023.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff

recommends the Conditional Use be **APPROVED** subject to the following conditions:

1. Nightclub in the City's expanded uses shall apply only to those ancillary uses associated with a restaurant.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. The hours of operation for entertainment on the site are restricted to 10:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday.
4. There shall be no amplified music outdoors, including speakers on any patio whether enclosed or unenclosed.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void

CON2022-00053 Staff Report:

<https://www.wichita.gov/Council/DABAgendasMinutes/2023-02-13%20DAB%206%20CON2022-00053%20MAPC%20Staff%20Report.pdf>

The DAB heard the request so that adjacent property owners and Wichita residents had an opportunity to express their concerns.

DAB and members of the public asked questions and made comments about the difference of live music and loud music.

Action Taken: Javan Gonzalez made a motion to **APPROVE** staff's recommendation. The motion was seconded by Scott Lucas.

MOTION APPROVED 9-0

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9. CON2022-00057

The Metropolitan Area Planning Department will present this case for consideration by the District Advisory Board. Red Carpet, LLC; Melanie and Mitchell Collins (Applicants)/ Patrick Hughes (Agent) are requesting a Conditional Use to permit an Event Center, which may provide entertainment and alcohol for patrons (defined as "Nightclub in the City") on property zoned LC Limited Commercial District. The property is generally located on the south side of West Central Avenue, one-half mile west of North West Street (4925 West Central Avenue). The property is developed as the west half of a larger retail strip center. The eastern half of the building is under different ownership and developed as a laundromat. The Event Center is currently operating and was given a notice of violation. If approved, the requested Conditional Use will bring the use into in compliance

The Metropolitan Area Planning Commission held a public hearing for this item on February 9, 2023.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED** subject to the following conditions:

1. Nightclub in the City's expanded uses shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. The hours of operation for entertainment on the site are restricted to 8:00 p.m. Sunday through Thursday and 11:00 a.m. Friday and Saturday.
4. There shall be no amplified music outdoors, including speakers on any patio whether enclosed or unenclosed.
5. The applicant shall install an eight (8)-foot screening fence along the rear property line prior the issuance of any licenses or permits.
6. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.
7. The parking lot shall be kept free of all trash and debris.
8. No loitering, congregating or excessive noise shall be permitted in the parking lot.
9. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

CON2022-00057 Staff Report: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-02-13%20DAB%206%20CON2022-00057%20MAPC%20Staff%20Report.docx.pdf>

Written public comment:

<https://www.wichita.gov/Council/DABAgendasMinutes/2023-02-13%20DAB%206%20CON2022-00057%20Public%20Comment.pdf>

The DAB heard the request so that adjacent property owners and Wichita residents had an opportunity to express their concerns.

After the presentation by MAPD, DAB and members of the public asked and made the following summarized questions and comments:

Discussion about the proposed hours of operation.

Q (DAB) Does the City of Wichita or Fire Department impose parking requirements based on square footage?

A(Staff) Zoning code requires one space for every two occupants.

Q (DAB) Will be an occupancy limitation on that business to 34?

Staff defers question to the applicant.

(Agent for the applicant) There is an agreement with property owner to the east as well as another parking lot off site with shuttling for additional potential occupancy. We want to make sure that we

have consistency with the recommendation from MAPC and the DAB. Having different types of screening will make it hard to maintain some of the area. If there is an issue, it is more likely to be projected up toward Central Street where you don't have the residential. The focus of this event center is to have primarily weddings.

C (DAB) As I recall it, a letter from the representative to the laundromat expressed a serious concern about parking, and yet, you're saying that there is an agreement.

A (Agent) The agreement is with the property owner on the other side. The laundromat has longer hours of operation than were recommended for the event center.

Q (DAB) Hours of operation that would only be limiting live music, though, but would not limit other music.

Q (DAB) The property to the south is LC but has apartments how does that work.

A(Staff) The zoning district permits multifamily in LC.

Action Taken: Javan Gonzalez made a motion to **APPROVE** staff's recommendation with the exception of the requirement for the screen next to the south, and changed hours of operation. The motion was seconded by Lisa Tatum.

MOTION APPROVED 9-0

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10. PUD2022-00025

The Metropolitan Area Planning Department will present this case for consideration by the District Advisory Board. Tradition LLC (Applicant); Mark Savoy (Agent) are requesting a zone change from TF-3 Two-Family District to PUD Planned Unit Development to create the Randle Manor Planned Unit Development PUD #109. The 5.38-acre property bounded by West 9th Street North, North Waco Avenue, West Randle Manor Street, and North Back Bay Blvd., with the exception of a few properties. The subject site has 23 lots, 22 of which are developed with single-family structures, and an undeveloped lot currently used as a common space. The applicant intends to create Parcels 1, 2, 3, and 4 and the common usage of Parcel 4 for community functions.

The Metropolitan Area Planning Commission held a public hearing for this item on January 19, 2023.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends **APPROVAL** of the application subject to adherence to the recommended PUD text (attached) and the following conditions listed below.

Recommended Conditions of Approval

1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.

2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #109 Randle Manor Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

PUD2022-00025 Staff Report: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-02-13%20DAB%206%20PUD2022-00025%20MAPC%20Staff%20Report.docx.pdf>

The DAB heard the request so that adjacent property owners and Wichita residents had an opportunity to express their concerns.

After the presentation by MAPD, DAB and members of the public asked and made the following summarized questions and comments:

C (DAB) The property owner wants to convert the property into some kind of dwelling, but we don't have any plans.

C (Staff) My understanding is that their intent is not to develop a dwelling on the site, but more of some type of community amenity.

Q (Public) Should the property owner change its mind, could it be converted into a dwelling without having a plat?

A (Staff) Adding or taking out uses requires a PUD zone change that includes a public hearing process.

Q (DAB) Are the uses in this PUD requested by the applicant?

A (Staff) A PUD is custom zoning, which means that anything that is stated could be included. Anything that is excluded, will not be permitted.

Q (DAB) What would a major utility be?

A (Staff) My understanding is that it is your typical Evergy or city utility.

Q (DAB) The investment plan says is mostly in conformance, what does that mean?

A (Staff) If we look at the map the majority is residential and a small portion that is not. Areas designated for commercial use can be developed with residences, or other nonspecifically listed commercially if it's per market driven conditions.

C (DAB) I'd be concerned if I was a nearby neighbor and not knowing what is going to look like before approval.

C(Staff) My understanding is that it is their intent is to leave the residential structures that are currently in existence, and develop the centrally located parcel into a common area.

Q (DAB) Are parcels individually owned?

A (Staff) They are under common ownership.

C (DAB) The common space says group residents, and accessory apartments.

C(Staff) Group residents does permit up to 15 individuals.

C (Mark Savoy, Agent for the applicant) The real purpose of this PUD recommended by MAPC was to be able to build a swimming pool. Other examples include a picnic pavilion, a Frisbee course but not construction of buildings. Most uses in the PUD were recommended by MAPC. The major utility comments were in case it was needed. The applicant does not have any desire to create that.

Q (DAB) Major engineering plants electrical switch substations, wastewater treatment facilities, water tanks, radio, television, microwave transmission towers, why is it on the language?

C (Agent) It was language recommended by MAPD. The case did not have any public opposition.

Action Taken: Javan Gonzalez made a motion to **APPROVE** staff's recommendation with the substitution of major utility to minor utility. The motion was seconded by Lisa Tatum.

MOTION APPROVED 9-0

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11.ZON2022-00071

The Metropolitan Area Planning Department will present this case for consideration by the District Advisory Board. Ronald Blanchet (Applicant)/ Kirk Richard (Agent) are requesting a zone change from SF-5 Single-Family Residential District to OW Office Warehouse District on a 0.75-acre property, generally located on the northwest corner of North Arkansas Avenue and West 38th Street North (3825 N. Arkansas Avenue). The property is currently developed with a vacant single-family home and a 2,500 square foot garage. Should this request be approved, the applicant intends to operate a roofing business on the site consistent with the Unified Zoning Code (UZC) definition of Warehousing

The Metropolitan Area Planning Commission held a public hearing for this item on January 19, 2023.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to Protective Overlay #404 as follows:

1. The subject property shall be limited to Office, General and Warehousing as permitted in OW Office Warehouse.
2. Signs shall be in accordance with the LC zoning district in the Sign Code of the City of Wichita, with the following additional requirements:
 - a. Portable signs are not permitted.
 - b. No off-site /billboard signs.
 - c. No signs, except small directional signs shall be permitted on the south side of the building.
 - d. No LED or electronic message board signs
3. Noise from the site shall not be audible from adjacent or surrounding property above the local, ambient noise. No outdoor speaker systems shall be permitted.
4. All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential

areas and adjacent street right of way.

5. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
6. Parking shall be per Section IV-A.4 of the Unified Zoning Code.
7. Amendments, adjustments or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
8. The Transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
9. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, after a joint determination by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

ZON2022-00071 Staff Report: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-02-13%20DAB%206%20ZON2022-00071%20MAPC%20Staff%20Report.docx.pdf>

The DAB heard the request so that adjacent property owners and Wichita residents had an opportunity to express their concerns.

After the presentation by MAPD, DAB and members of the public asked and made the following summarized questions and comments:

Q (Public) What kind of trucking do they plan on having? The streets in the area are already narrow.

A (Staff) my understanding is that the applicant intent is to use as a secondary infrastructure for the business.

C (Public) the business is roofing, meaning supplies will be delivered. 38th Street is very narrow and they can't block off residents in the area.

Q (DAB) there's an unused sign on the subject site, will the sign be permitted under the order?

A (Staff) the existing sign would have to be replaced with a sign that meets sign requirements.

Q (DAB) a non-conforming structure was mentioned north of the site, was it identified during the process?

A (Staff) Yes. My understanding is that it was constructed before this area was incorporated into city limits. They would not be able to expand their use, and if the structure was destroyed by more than 50%, they would need to request a zone change. Because the zoning was applied to the property after its construction, there wouldn't be an enforcement mechanism.

Q (Public) asked regarding screening requirements on the property and noise enforcement.

A (Staff) requirements for screening and landscaping are per zoning code, if not followed it would be a violation of the protective overlay.

Q (Public) is it a six-foot or eight-foot screening?

A (Staff) it's required to be eight-foot screen fence, or shrubbery, but it would still need to provide that same level of visual density. Noise complaints go through WPD enforcement.

C (Public) noise enforcement is lacking in this side of town.

C (DAB) to my knowledge the people making noises will be out on the job. Materials for roofing are usually delivered on the job site. The use could be for parking trucks over night and storage of excess material.

C (Public) this is for a warehouse, which to me implies moving equipment, forklifts, semi-trucks, things of that nature.

Q (DAB) what is a warehouse district?

A (Staff) OW office warehouse generally permits a much wider array of uses, which is what the applicant requested. The concern about the residential structures surrounding the site was what necessitated the PO, which allowed them to use just one, warehousing. All of the other OW uses, if approved would not be permitted onsite.

Q (DAB) if the property is sold in the future, and someone wanted to do something more high intensity industrial, they would have to come back with a request?

A (Staff) Yes.

Q (CM Ballard) Is the applicant or agent present?

A (Staff) No.

C (Public) Sue Lorenz, 605 W. 38th Street. This warehouse has been on that property for about five years. The only reason he's asking for this is because we have complained about that house. (Shows DAB members images of the house) We deal with this on a weekly basis. We've had drive-by shootings. We've had to call the police probably 30 times in less than a year. The property is poorly maintained. For a while he was working there with no utilities. We all work hard to keep our properties nice. There are people staying on our property when they shouldn't be and stealing things from us.

C (Public) Jordan, during summer time people sleep in tents and others walk down the street asking for drugs. There're already burglaries over there due to the commercial properties area.

C (Public) Hortensia Hernandez, 3845 N. Arkansas. I live next to this property and we've had issues related to people at the property in question. Trailers have been stolen from my property, people have use water from my and neighbors' properties with out permission. We've heard screams from girls getting beat up.

Q (DAB) have you had issues with AT&T and their property?

A (Public) no.

Q (DAB) how long have these issues been gonging on at the property in question?

A (Public) over a year.

C (Public) one of my upstairs windows has been shot at in the direction of their house.

Q (Public) Tom, Lauren 605. W. 38th Street. Is it within the legal jurisdiction that the house gets removed, could we make it mandatory if approved?

A (Staff) the protective overlay runs with the land and if there is a change in tittle, the protective overlay wouldn't go away. Any changes require additional zone requests. Board members could decide to recommend approval of the request subject to any conditions.

C (Public) the property wasn't taken care of before, I don't see why they would take care of it now. There are still cans with human feces out there.

C (Staff) should the zone change be approved, any the dwelling on that property would be illegal or non-conforming. As it is currently zoned single-family residential uses are permitted. It's not to say that it's currently legal to live there right now. Under the current zoning, if that property were to be fixed up, it could be used as single family.

C (DAB) it sounds like this individual doesn't really have a high regard for the ordinances as is. The fact that the applicant is not here tonight and the fact that all the neighbors are here says a lot. I'm not in favor of the request.

C (DAB) there's so many other changes happening with the property that the zoning thing isn't a core enforcement mechanism for the rest of what is going on.

C (Staff) this request presented two different non-conformities, and this is an effort to potentially bring one into compliance.

C (Public) we never complained about the warehouse, we complained about the house.

C (DAB) we need to find a way to help the neighbors.

Q (DAB) what enforcement is there to make sure that the business is not operating at the property?

A (Staff) if zoning enforcement received a notification or a complaint that this was happening, then they could reach out and tart enforcement actions.

Q (DAB) was this case presented at MAPC?

A (Staff) yes, they recommended approval. There was a similar number of folks at the planning commission meeting that spoke with very similar concerns. We received a total of seven protests, five of which are valid in the area, which totaled 24% of the protest area. In order for an item to require a supermajority of City Council to approve it there needs to be a total of 20%.

Q (DAB) were the complaints against the rezoning or in support of the rezoning but against property?

A (Staff) I think a lot of the complaints were about a property owner. Protest are against the approval of the case so directly protest of this change. I would say both.

Action Taken: Javan Gonzalez made a motion to **DENY** staff's recommendation. The motion was seconded by Tom James.

MOTION DENIED 9-0

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Board Agenda

12. Updates, Issues, and Reports

Reports from the DAB on any activities, events, resources, issues, or concerns in the neighborhoods, council district, and/or city.

CM Ballard shared information about a community engagement meeting to discuss improvements to the K-9 Rooster Meridian Dog Park.

Zachary R Gingrich-Gaylord invited everyone to participate in a park run every Saturday morning at Exploration Place. Free and everyone can participate; runners, walkers, joggers, kids and dogs.

Reminder of the upcoming St. Paddy Parade in Delano on March 11, 2023 at noon.

Action: Received and filed.

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Adjournment

The meeting was adjourned at 8:37 p.m.

The next District 6 Advisory Board meeting is scheduled to be held at 6:30 p.m. on March 13, 2023 at the Evergreen Community Center & Library, 2601 N. Arkansas, and Wichita, KS 67204. Residents also have the option to participate in DAB meetings virtually via Zoom or to watch them live on the [District 6 Facebook page](#). Meeting agendas, minutes, presentations, and documents; Zoom details; and the most up-to-date meeting information can be found on the [District 6 webpage](#)

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Guests

Teresa Kennedy
Thomas & Sue Lorenz
Mitchell Collins
Melany Collins

Terry M.
Jeremy Hunt
Pat Hughes
Bethany Mally

Vincent Hancock

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Respectfully submitted,
Ana Lopez, District 6 Community Services Representative